

regime of public law" (Goudge, Sharpe and LaForme, J.J.A., 2006). The Court ruled that with respect to academic freedom, universities are at arm's length from government, but otherwise operate as public institutions.

Academic Freedom and "The Tail that Wags the Dog"

On 18 November 2004, after a film presentation sponsored by SPHR and the Arab Law Students' Association, Professor David Noble distributed a few copies of a leaflet called *The York University Foundation: The Tail That Wags the Dog (Suggestions for further research)*. He had prepared this material as part of his efforts to understand why one of his students, Daniel Freeman-Maloy, was being subjected to on-going disciplinary efforts by the administration of York University. Using research expertise he had developed when exploring linkages between universities and private foundations in North America, Noble had been investigating the controversial sale of lands by York University to Tribute Homes when he noticed links between some members of the boards of York University Foundation (YUF) and York University itself and various pro-Israeli lobby and fund-raising groups (personal communication, 13 May 2005). Noble set out these linkages in a leaflet composed of six numbered paragraphs and brief biographical notes and proposed that there appeared to be a pro-Israeli bias in the YUF and that such a bias might be responsible for the treatment of Daniel Freeman-Maloy.

The response from the University administration to the leaflet was swift. A media release, with the headline *York University, Hillel, SPHR Denounce Material Targeting Jewish Community Members*, was issued on Friday, 19 November 2004. In it President Lorna Marsden condemned the leaflet as "highly offensive material" that "must not be permitted to diminish a culture of mutual respect on our campus which unites [sic] as a community." Included in the release were statements from the President of SPHR, Furat Al Yassin, and the President of Hillel @York, Dori Borshiov, expressing their concern at the presence of bigoted and racist material on the York campus. Neither Noble nor YUFA were contacted prior to the issuance of the media release and Noble first learned of the accusations levelled against him from a reporter for the *Globe and Mail* who received the release and phoned him for a comment.

On 24 November 2004 SPHR issued a press release of its own in which it recanted its statement published in the York University media release of 19 November 2004, explaining that, "The administration asked SPHR to condemn allegedly 'anti-Semitic' material that was neither provided to the spokespersons nor distributed by SPHR or its members." The release also noted that "The administration's attempt to bully individuals that stand in support of Palestinian human rights was made clear in its dealings with two of SPHR's spokespersons." SPHR also stated its unequivocal commitment to the principles of freedom of expression and its support of Professor Noble in his efforts to raise the issues contained in his leaflet. In the same period, CUPE 3903 organized a demonstration in the Vari Hall Rotunda to protest not only the treatment of Prof. Noble but also the treatment of Freeman-Maloy and changes to the University use of space policy, all of which were seen as efforts to silence dissent at York. In an open letter to President Marsden the organizers of the demonstration reminded Marsden of what makes York different:

Campus activism is a vital component of what makes York a unique and progressive University that, to quote from York's mission statement, is "committed to academic freedom [and] social justice." This clamp-down on basic political dissent will not be tolerated. This is our university and we will defend our

right to free speech and political assembly here. (CUPE 3903 to Marsden, 25 November 2004).

In addition to this public protest, the York University Faculty Association (YUFA) filed a grievance on behalf of Professor Noble alleging that the media release issued by the administration on 19 November 2004 was libellous, discriminatory and violated Noble's academic freedom. This matter was referred to arbitration and in November 2007 labour arbitrator Russell Goodfellow ruled that York University had contravened the collective agreement and violated the academic freedom of Professor David Noble.

Impact on Students and Faculty Members

We would be remiss if we did not comment on what students individually and independently told us about the impact on them of the Vari Hall incident, the Freeman-Maloy case and related events at York University. For the students arrested during the Vari Hall affair and for Freeman-Maloy who was singled out for expulsion, the effects were often traumatic. Freeman-Maloy received death threats and threats of other kinds because of his activities as a pro-Palestinian Jew. He also experienced a great deal of anxiety about his situation and his future because he was an undergraduate student challenging the senior administration of the University at which he was enrolled. His financial situation has been affected since he was unable to take up his summer jobs in 2004 and he has both legal bills and personal debt. He will need six years to complete a baccalaureate and his academic work has suffered (D. Freeman-Maloy, personal communication, 13 May 2005).

We have already noted that one student arrested in the Vari Hall incident had to be hospitalized as a result of the beating he received. Other students spoke of the negative effects on them of the verbal intimidation, particularly the sexist, racist and homophobic slurs directed at them, and of the physical violence they experienced. Students arrested during the Vari Hall incident were handcuffed and made to kneel along the wall of a classroom which must have been pre-booked for use as a containment facility. It is claimed that one student was kicked in the face by a police officer and the marks of the boot tread could be seen clearly. Another student who was beaten during the Vari Hall incident expressed regret that he had begun to feel fearful whenever he saw a police officer on the street although he did indicate that response was beginning to dissipate. We heard from representatives of student organizations and students themselves that many of their peers, especially international students and those with student loans, have become scared to participate in political activities for fear they would be expelled or punished in ways that would threaten their ability to complete their degrees. In general, students felt intimidated and their sense of security on campus has been threatened. Most of the students we interviewed also acknowledged that their academic work had suffered because of the treatment they received and the time they lost defending themselves whether in responding to disciplinary charges filed by the administration or in preparing for and appearing in courtrooms. Most of the students report experiencing anxiety, stress, fear and other related emotions and some cannot escape the anger they feel towards York University for its part in these events. Although the students have been exonerated or had charges dismissed at both the campus and court levels, they have not escaped the repercussions of these experiences in their lives. Time will tell to what degree students at York have "learned" the university administration's lessons about political conformity and the narrow confines of acceptable citizenship.

As we examined student accounts of their experiences, we also noticed a number of common themes. In student narratives of events ranging from the anti-war demonstration of 5 March 2003 which consisted of pickets at the York University gates to the events at Vard Hall described above, there is a recurring mention that the police officers involved operated under the assumption that OCAP was involved, that police officers expressed surprise when students produced their student cards, and that police behaviour changed when they realized they were dealing with students and not the anti-poverty organization. This raises questions about where the police might be getting the erroneous information that it is OCAP activists and not students involved in certain political activities at York. Although the evidence at this point is only circumstantial, it is difficult to avoid the conclusion that someone or some unit at York is cynically using the widely reported mutual antipathy of Toronto police officers and OCAP for the purpose of encouraging police officers to be more forceful than they might normally be towards students, thus escalating the intimidation factor.

Concerns about the presence of OCAP also arise in the events surrounding a symposium sponsored by the York University Department of Sociology on 26 November 2004. The Colloquium Committee of the Department organized a session called "Activist Research and the Sociology of Confrontation: A Roundtable on Resistance" and invited three speakers to present papers. According to the flyer advertising the event, Gary Kinsman, Professor of Sociology at Laurentian University, was to give a paper on "Political Activist Ethnography, Social Relations and Struggle." Clarice Kuhling, a doctoral student in sociology at York and a CUPE 3903 activist, would discuss "Confrontation, Collective Bargaining, and Mapping University Labour Relations" and John Clarke, an organizer for OCAP, would address "The Housing Crisis, Squatting, and Activist Research." Without any prior warning to the organizers of the panel, and along with about 30 other people, a York University security officer attended the event. He did not identify himself, he was not in uniform, and he took notes during the presentations. When recognized by people at the symposium, he was asked why he was there and disclosed that he was present at the request of the administration to do surveillance work. He was asked to leave by a vote of the meeting but refused to do so and is reported to have challenged participants to "do something about it" (Christensen & Fenton, 2005, p. 3; P. Stewart, D. Brock, S. Longstaff, personal communications, 16 September 2005).

The first response of faculty members was to write to the Chair of Senate to complain but then, almost immediately thereafter, a grievance was filed about violations to the academic freedom clauses in the collective agreement. In the course of the first stage meeting, faculty members learned that York security had received a "tip" from the Toronto Police Services that there would be trouble around the visit of John Clarke to campus because Clarke's partner had, it was reported, been recently fired from the Metro Hotel for efforts to organize a union and that hotel was owned by Henry Wu, a member of the Board of Directors of the York University Foundation (P. Stewart, D. Brock, S. Longstaff, personal communications, 16 September 2005). The surveillance by security of an academic event at York and the co-operation of York Security and the Toronto Police Service in monitoring the lawful activities of John Clarke while on campus raise extremely troubling questions about academic freedom and freedom of speech. It is difficult not to conclude that one of the key drivers in this chain of events was the desire to monitor the symposium because of the possibility that it might draw attention to and lead to a protest of the labour practices of a wealthy member of the Board of Directors of the York University Foundation. It is also difficult not to see a link with the demand recorded above that Freeman-Maloy, who had protested outside the Metro Hotel, apologize to Henry Wu for statements that were "personally threatening to him" (Counsel for York University to Counsel for Daniel Freeman-Maloy, 10 June 2004). There is here a real indication of the way in which a

desire on the part of administrators to placate donors and those associated with managing the University's Foundation funds can interfere with the cardinal principles of academic freedom and free inquiry in the academy.

It is also worth noting here that some students and professors we interviewed observed that events at York had created a chilling effect on teaching and that this was especially the case with content related to the Middle East. We received evidence that demonstrated that in at least two cases, and quite likely more, students sat in on various professors' classes and then reported on those professors to their deans if the students disagreed with the content being delivered. One student, who self-described as a Zionist and a "Hillel-nik" and observed that she "knew who her enemies were," spoke of student efforts to monitor professors in this way (A. Libman, personal communication, 8 June 2005). She also voluntarily provided us with a copy of a letter of complaint she had written about a senior professor and sent to his chair, his dean and the academic vice-president. In this case, her allegations concerned anti-Americanism on the part of the professor in whose course she was enrolled. That some students, at least, feel they can operate as academic spies and engage in their own surveillance activities and surreptitiously report on professors indicates that a climate of mistrust and accusation is developing on campus and this will have repercussions for the quality of teaching and learning and for the academic freedom of professors.

Also chilling to the academic environment and the principle of academic freedom was the way in which York University treated the case of Professor Robert MacDermid when he was threatened with libel suits by then Ontario Minister of Health, Tony Clement, and Leslie Noble, a lobbyist (and now, coincidentally, a member of York's Board of Governors). MacDermid, in an article in the *Ottawa Citizen*, had drawn on his research to comment generally on election financing and the difficulties that arise when political donations are made by companies bidding for public contracts. As a result of his comments, he received letters from two law firms, one acting on behalf of Clement and the other for Noble, demanding apologies and retractions with respect to content in the news article related to their clients. Counsel for the University, Harriet Lewis, provided some advice but made it clear that the University had no real responsibility in the matter. Prof. MacDermid was forced to take his own case forward and secured the assistance of the law firm used by YUFA. Ultimately, through the grievance process, an agreement was reached whereby the University paid Prof. MacDermid's legal bill (R. MacDermid, personal communication, 9 June 2005). Paradoxically, while the University, through its Communications office, encourages professors to engage in media work and while the University's reputation is enhanced as a result, it took "the position that when faculty members and librarians speak to the media about matters in their areas of academic expertise they do so on a 'voluntary' basis and that such activities are not part of our professional responsibilities." As YUFA noted, such a stance encourages libel chill and that "is a real phenomenon that infringes not only our rights as citizens and academics, but inhibits our ability to fulfill our responsibilities to the public at large" (*How Free are York Professors to Speak?* Retrieved from <http://www.yufa.org/exec/libel.html>). Prof. MacDermid indicated that this experience has had a slight chilling effect on him and he has become aware of other examples among his colleagues (R. MacDermid, personal communication, 9 June 2005).

The Role of Policy and Procedures

In the course of our investigation we also became aware of how policy and procedures, i.e., modes of governance, were being revised and modified to afford greater control to the York

University administration over activities on campus. Because it was central to events at Vari Hall and the Freeman-Maloy case, the most obvious of these is a document entitled *Temporary Use of University Space Policy and Procedures* (TUUSP) revised in 2004 by the University administration, apparently without broad consultation with the stakeholders in the University community. The revisions included a statement declaring York University's lands and properties private, new rules governing the eligibility of users of University spaces, a requirement for risk assessments of "High Profile, Controversial or High Risk External Speakers," and prohibitions on the use of spaces such as the Vari Hall Rotunda, the Vari/Ross Link, and The Common and Piazza Italia except for very narrowly defined events. Students were particularly concerned with what they saw as harsh restrictions on tabling and leafleting as this struck at what had become an established method on the York campus for bringing a wide range of events and organizations, as well as political and social justice causes, into public spaces. TUUSP also put in place requirements that would make the holding of many events difficult or impossible, primarily because of the high costs of the required security and insurance coverage. In addition, TUUSP was a very detailed and highly bureaucratic policy that demanded the completion of considerable paperwork and with long lead times required for booking facilities. Considerable power over matters such as advertising, signage and risk management was granted to University officials.

As a result of the events of 20 January 2005 at Vari Hall, TUUSP became more widely known on campus and was identified quickly as one of the impediments on campus to freedom of speech and freedom of assembly. We have already noted that at the special meeting of Senate on 3 February 2005, President Marsden agreed to a review of the policy and subsequently a revised policy was introduced and came into effect on 20 February 2006. However, two York faculty members, Nick Lary, a former member of the YUFA Executive, and Ricardo Grinspun, a former senator, observed that,

If anything, the revised policy and procedures further restrict the opportunities for free expression on campus, as they institutionalize a regime in which expression, participation and discussion are strictly controlled and subjected to security checks and restraints. Although it is unlikely the Administration will ask police to disband a peaceful protest in the near term due to the negative publicity, there is nothing in the new policy and procedures that would specifically ban that practice. (Lary & Grinspun, 2006, p. 2).

They went on to argue that "The issue that the working group needed and failed to address was separating this intrusive security function from the useful coordinating mechanism" (p.3). In its entirety, the current (revised) TUUSP document can be used as a powerful mechanism of control and surveillance. While couched in language of due diligence about safety and property rights, and these are undoubtedly legitimate concerns for any university, it seems to us that the policy continues to institutionalize procedures and requirements that will work to limit freedom of speech and many academic activities on campus. It creates a range of barriers such as rather lengthy time lines for application and approval, limits on who may seek to use university space, requirements for detailed safety plans, and demands for security and insurance coverage that would be out of reach for many campus groups.

Following the Freeman-Maloy case and the attention it drew to the Presidential Regulations governing student conduct, York University also reviewed its policies on student behaviour and in September 2006 released a new "Student Code of Conduct." It was claimed that the new SCC "aims to provide a fair, transparent, and easily understood system to deal with

inappropriate student behaviour" (Y-File, 18 September 2006) Leaving aside the implication that the Presidential Regulations did none of these things and that the problems in the Freeman-Maloy case were with the Regulations rather than the mis-application of the Regulations by President Marsden, it is clear that the new SCC is more accessible to students, is written in plain language, and provides a clear process for dealing with complaints. However, while the Code notes that nothing in it "is intended as a method or excuse to suppress peaceful protest, civil debate, or lawful conduct," it goes on to say "so long as that conduct is not prohibited by this Code," (York University Student Code of Conduct, 2006, section 2). This peculiar phrasing, by one reading, at least, implies that the administration at York University reserves the right to prohibit certain conduct even if it is lawful in the wider society and the Code extends this right not only to conduct on the campus but to "conduct not on University premises but which has a real and substantial link to the University" such as student participation in "events held off-campus by an unrecognized student group that is readily identifiable with the University or any part of it." (section 3). Among the prohibited behaviours is "Violation of University Policies, Procedures, or rules, such as: Temporary Use of University Space Policy...." (section 4). As already noted, TUUSP has the potential to effectively impose restrictions on free speech and free assembly in a variety of ways. In the same category and open to abuse in their application are other such prohibitions as "failure to comply with reasonable requests of a University official" and "making or causing excessive noise" (section 4). It is worth repeating here the conclusions of the Presidential Committee chaired by Bora Laskin:

Only in a climate of openness of debate and discourse, of unhampered assembly and association, can the University community survive and adapt itself to a changing world. The exaltation of order at the expense of liberty would threaten the very foundations of the University. (Presidential Committee, 1970, p. 3)

In both the case of TUUSP and the SCC, the dispassionate language of policy and procedures is utilized to camouflage mechanisms that have the potential to infringe in a significant manner on academic freedom and freedom of speech. The policies normalize narrowed understandings of teaching and learning, the purposes of university education, and the social responsibilities of members of the academic community. As our discussion of a number of events at York University illustrate, in the hands of administrators, policies and procedures may be called into use as forceful disciplinary tools to suppress legitimate debate and dissent.

Conclusion

For many faculty members and students, the explanation for the contentious events that unfolded on the York campus is found in what they see as decisions by the University's senior administration to support pro-Israeli initiatives and marginalize pro-Palestinian efforts. Certainly, many of the struggles revolved around these politics of the Middle East and President Marsden's trip to Israel in January 2005, financed by Gerry Schwartz, Milton Harris, Julie Koschitzky and Israel's Ministry of Foreign Affairs (Morgan, 20 January 2005), confirmed her bias and lack of balance in many minds. In fact, even the student who self-identified as a Zionist and "Hillel-nik" observed that, in her view, the administration did treat different students differently and the decisions taken by the administration were harder on SPHR than on Hillel. She attributed some of this to the fact that "Hillel people weasel into positions of power" and use the University's internal mechanisms and outside networks for support whereas the Palestinian students and their supporters adopt different, more confrontational strategies (A. Libman, personal communication, 8 June 2005). On the other hand, Professor Martin Lockshin

(personal communication, 23 September 2005) expressed the view that the administration "is a great supporter of freedoms," and errs in the direction of freedom of speech. He indicated that President Marsden told him that she has her own opinions but cannot speak out. Professor Lockshin also observed that he felt some of his colleagues were mis-using the classroom to speak out against Israel and the United States and action should be taken against them, and a similar view also was expressed by Professor Sarah Horowitz (personal communication, 27 October 2005). There is no doubt, then, that the larger issues of Mid-East politics provided a great deal of the content of the debates and struggles at York University. Undoubtedly, the celebration of the Israeli Defence Force on campus, the decision of President Marsden to introduce Daniel Pipes when he spoke on campus, the rallies and protests for Palestinian rights, and other events led to clashes between student groups and fierce debates among faculty and staff.

At the same time, there was more to the troubles at York than conflicting views and strongly held position on Israel and Palestine. From the failure to follow University policy to the use of police force on campus, it seems apparent that there was a desire on the part of the senior administration to exercise control over public displays of dissent in the interests of creating a new public image of a privatized and corporate York University. A public relations and recruiting campaign reflected the desire to bury York's reputation as a politicized and radical campus and occurred as the University was ramping up efforts to obtain a Faculty of Medicine or, at least, create a Faculty of Health Sciences. Because fund-raising from private sources is now central to any university's efforts to expand or even sustain itself, university officials work hard to create the perception of their university as a place that is stable and, while liberal in orientation, well under control. And, as Schugurensky (2006) observes,

universities are becoming embedded in the logic of academic capitalism, a logic that requires an appropriate policy and cultural climate, specific regulations, and a variety of administrative arrangements and academic regimes. (p. 302)

The drive to restructure the university, create an entrepreneurial institution and commodify knowledge sets up the collision between academic freedom/freedom of speech and the processes of university corporatization and the new managerialism on campus, between administrators who just want to get on with things in the new heteronomous environment and faculty and students who critique and resist those developments. In this context, a conflict over conceptions of the university is inevitable and confrontations inevitably occur between administrators planning to impose a new academic order and, perhaps paradoxically, faculty and students defending the more traditional values of public education, university autonomy, freedom of speech and academic freedom. In the case of York, this led to the arbitrary use of power by the administration in attempts to control what is the legitimate purpose of universities, namely free, open and even heated debate and socially responsible activism, precisely the freedoms Bora Laskin and the Presidential Committee sought to protect in 1970 and that York University's mission statement extols.

Whether through bad management or conscious intent or a combination of both, on the face of the evidence before us, we can only conclude that there were threats to and breaches of the right of free expression and academic freedom at York University and that these threats and breaches raise significant questions about the nature of university governance as it was practised at York. Indeed, the exoneration of students arrested in the Vari Hall incident, the withdrawal by President Marsden of Freeman-Maloy's rustication order as well as the out of court settlement with him, and the arbitration ruling in the Noble case all support this conclusion.

In 2007, York University appointed a new president, Dr. Mahmoud Shoukri. This affords an opportunity for York University to analyse and learn from its recent past and seek opportunities to move forward in ways that are more conducive to supporting academic freedom and freedom of speech. The handling of the student sit-in organized by the Sustainable Purchasing Coalition at the Office of the University President in March 2008 suggests that this process may be underway. Students camped out for 45 hours without recourse by the administration to police intervention, were able to meet with President Shoukri and reached an agreement with him to develop a policy on the purchase of "no sweat shop" clothing at York University. One of the students involved expressed the hope that the resolution of this sit-in "will set a precedent for future interactions between students and York administration" (SPC Media Release, 9 March 2008).

In keeping with our findings and the hope expressed by these activist students, we offer the following recommendations.

Recommendation 1:

We recommend that representatives from the CAUT and the YUFA executive meet with the President of York University to discuss the ways to protect academic freedom and freedom of speech on campus and ensure collegial governance. We suggest this should include:

- an open and thorough review of policies such as the *Temporary Use of University Space Policy and Procedures* and the *Student Code of Conduct* with a view to ensuring that such policies do not restrict open debate, the ability of all members of the York community to voice dissent in a range of ways, and the opportunity for students to learn and practise political engagement and citizenship;
- an agreement to develop a clear policy statement about the role and use of police on campus and to publicize that statement widely and regularly;
- an application of policies that is fair, even-handed and transparent;
- an examination of governance structures and practices with a view to reclaiming a collegial model for the University.

Recommendation 2:

We recommend that the CAUT urge York University to develop a comprehensive program of leadership education and support to ensure that administrators at all levels and in all units develop the knowledge and skills that would allow them to fulfil their obligations in a collegial manner.

Recommendation 3:

Because of the fears and concerns we heard from recently appointed faculty members, we recommend that the leadership/executive of YUFA engage in a process of union renewal and re-connection with the membership in order to ensure that all members feel confident that their rights and interests can and will be protected in the workplace. Matters that need attention include student surveillance of professors and secretive reporting to senior administrators and additional protections for professors who speak to the media as a way to deal with the problem of libel chill.

With respect to the negative consequences of university re-structuring, the commercialization of research, the commodification of knowledge and the new managerialism, there are no easy

recommendations. The struggle over the meaning and nature of the university is a political one that requires the informed engagement of all members of the academic community.

Respectfully submitted,
Rebecca Coulter
Ken Field

References

- Canadian Association of University Teachers. (March 2006). *Policy statement concerning the role of public and private police forces and security services on Canadian university and college campuses.*
- Christensen, M., & Fenton, L. (2005, Jan.-Feb.). Academic freedom. Letter to the Editor. *Critical Times*, 4,2, p.3.
- Lary, N., & Grinspun, R. (2006). *Comments on the Temporary Use of University Space Policy.* Typescript.
- Morgan, E. (2005, January 20). Academics in Israel: What we did on vacation. Canadian Jewish Congress Op-Eds, retrieved from <http://www.cjc.ca/template.php?action=oped&Rec=113>
- Presidential Committee. (1970). *Freedom and responsibility in the university: Report of the Presidential Committee on Rights and Responsibilities of Members of York University.* Toronto: University of Toronto Press.
- Rahn, J. (2005). Police brutality meets communications and marketing at a public university. *Our Schools/ Ourselves* (Spring), 105-115.
- Schugurensky, D. (2006). The political economy of higher education in the time of global markets: Whither the social responsibility of the university? In R. A. Rhoads & C. A. Torres, eds., *The university, state, and market: The political economy of globalization in the Americas*, pp. 301-320. Stanford, CA: Stanford University Press.

Appendix A

CAUT Policy Statement Concerning the Role of Public and Private Police Forces and Security Services on Canadian University and College Campuses

1 Preamble

CAUT seeks to protect the rights of individual members of academic staff in their relations with their own institutions and with private and public organizations with which they come in contact in carrying out their responsibilities.

CAUT believes the activities of policing agencies and security services on post-secondary institution campuses can threaten academic freedom. Experience shows that this belief is warranted. Such activities can interfere with the rights of individual members of the academic staff and students, and can undermine institutions' obligation to foster freedom of thought, expression and intellectual inquiry without restriction.

2 Policy Statement

2.1 Campus Police and Security Services

2.1.1

Where resources permit, rather than relying on private security services or public police services, a post-secondary institution should establish a security service, staffed by institution employees. Private policing agencies or security services should be given no status on campus unless they are employed by, retained by, or under contract to the post-secondary institution.

2.1.2

The post-secondary institution should establish a permanent committee, with membership drawn from all campus constituencies, to develop policies on the role of public police and campus security, and to monitor the implementation of these policies.

2.1.3

The primary responsibilities of a campus security service are to protect the lives and well-being of individuals on campus, to protect their property and the university's and college's property, to deliver programs that prevent or reduce risks to individuals or property on campus, and, generally, to enforce the Post-Secondary Institution rules and federal, provincial, and municipal laws on campus.

2.1.4

Members of a campus security service should have the education, background, and training that will permit them to carry out properly the duties assigned to them.

2.1.5

The actions of a campus security service must be respectful of and not constrain legitimate freedom of expression and assembly.

2.1.6

The relationships among the post-secondary institution, its campus security service, and public police agencies should be clearly established, particularly respecting:

- a) on-campus events for which members of public police agencies provide policing services,
- b) the coordination of campus security service and public police agency roles for on-campus offences, and
- c) emergencies.

2.1.7

A campus security service should be responsible to a senior member of the university or college administration.

2.1.8

A campus security service should report annually to the security committee and to the governing academic body of the post-secondary institution, and give incident statistics.

2.1.9

The post-secondary institution should establish a process for adjudicating complaints respecting the conduct of members of its campus security service.

2.1.10

Policies should be established for a campus security service, at the appropriate levels of university or college governance, respecting the following matters:

- a) use of force;
- b) procedures and facilities for the reporting of offences or other emergencies;
- c) responses to the reported offences or emergencies;
- d) the security of campus facilities, including residences;
- e) the promotion of prompt reporting of offences;
- f) the establishment of linkages between the campus security service and other campus resources and services (for instance, counselling and student services, emergency response teams, foot patrols, parking services);
- g) the provision of information to the campus community respecting threats to individuals or property;
- h) the provision of educational programs to the campus community (for instance, concerning sexual offence prevention, the reporting of sexual offences, personal safety, and the protection of property); and
- i) the collection and reporting of campus incident statistics.

2.1.11

In the absence of a campus security service, public police agencies and security services may provide policing for the campus, but the principles embodied in 2.1 must apply, and should be the subject of regular discussions between a publicly accountable post-secondary institution body on one hand and the outside provider on another.

2.2 Public Police Agencies and Security Services

2.2.1

Where a campus security service operates, public police agencies and security services should

restrict their activities on post-secondary institution campuses to investigating specific alleged violations of the law, and performing such aspects of their official mandate as are agreed to by the institution, acting in accordance with the principles in this CAUT Policy Statement.

2.2.2

Such investigations or other activities should be drawn at the outset to the attention of the senior member of the post-secondary institution's administration having responsibility in this area of policy and practice.

2.2.3

Police agencies and security services should not place or use informers on post-secondary institution campuses and should refrain from recruiting members of the academic staff and students as undercover agents or informers. This does not mean that members of the academic staff should not report criminal wrongdoing on campus when it comes to their attention, nor that members of the academic staff should evade their obligations to appear as witnesses in court proceedings.

2.2.4

If academic staff members are approached for information about colleagues or students in the course of pre-employment or security clearance inquiries, whether by policing agencies, security services, or others, they should be aware that cooperation with investigators is voluntary, but that the refusal to provide information may cost the student or colleague the job or position. Respondents should satisfy themselves of investigators' credentials. If respondents agree to assist, they should provide information in writing only, and should have an opportunity to examine for accuracy a written record of information provided. They should request confirmation that the provisions of section 2.2.5 will be observed. CAUT countenances such activities only when they are not a surreptitious means to secure other information on campus or to recruit informants.

2.2.5

Academic staff members or students who are the subjects of pre-employment inquiries and related security clearances should be told by the agency conducting the inquiry of the inquiry and, subsequently, of the results of the investigation, unless such disclosure is prohibited by law.

2.2.6

Information on the interests, data use or borrowing patterns of library, archive, or internet users should not be released to police or security agencies. Release in response to court orders, subpoenas or warrants should occur only when all legal avenues to prevent release are exhausted. This applies to all records of access to information and to all records of the use of library resources.

Approved by Council, September 1987; revised, September 1988, February 1989; April 2006.